

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RACHEL MEREDITH, BENJAMIN
DEMPSEY, ASHLEY NELSON, MIA
LAUDER, AND IVONNE ARRIOLA
MENDIETA, Individually and on Behalf of All
Others Similarly Situated,

Plaintiffs,

v.

REALPAGE, INC.; GREYSTAR REAL
ESTATE PARTNERS, LLC; BH
MANAGEMENT SERVICES, LLC; CAMPUS
ADVANTAGE, INC.; CARDINAL GROUP
HOLDINGS LLC; CA VENTURES GLOBAL
SERVICES, LLC; D.P. PREISS COMPANY,
INC.; UNIVERSITY HOUSE COMMUNITIES
LLC; CARMEL PARTNERS LLC;
TIMBERLINE REAL ESTATE VENTURES
LLC; B.HOM STUDENT LIVING LCC;
JOHN DOES 1-10,

Defendants.

Case No. 3:23-md-3071
MDL No. 3071

Judge Waverly D. Crenshaw, Jr.

This document relates to:
Navarro v. RealPage, Inc., et al.,
No. 3:23-cv-00329

On June 28, 2023, Defendants notified Plaintiffs for the first time that they intend to argue that this Court lacks jurisdiction over the Student Housing Consolidated Amended Complaint filed on June 16, 2023. DE 290. The basis for Defendants' argument is that the newly named Plaintiffs (Rachel Meredith, Benjamin Dempsey, Ashley Nelson, Mia Lauder, and Ivonne Arriola) did not bring claims in transferor district courts that were transferred to the MDL court.¹ Defendants' position is that the MDL court has jurisdiction only over cases that were originally initiated in district court and transferred to the MDL court.

The parties met and conferred on June 29 and June 30, 2023. On June 30, Plaintiffs proposed that the parties stipulate to the existence of an issue related to subject matter jurisdiction, which would be resolved by filing cases on behalf of the newly named Plaintiffs in district courts that would then be transferred to MDL court. This stipulation would allow briefing on all other arguments Defendants intend to raise related to the Student Housing Consolidated Complaint on the briefing schedule previously set by the Court. *See* DE 298. Defendants declined to agree to this proposal.

Because of the lack of agreement for resolution, and in order to resolve this subject matter jurisdiction issue, Plaintiffs will: 1) voluntarily dismiss the Student Housing Consolidated Complaint (DE 290); 2) file complaints in district courts on behalf of the Plaintiffs named in the Student Housing Consolidated Complaint, which will then be transferred to this Court; and 3) seek to file an Amended Student Housing Consolidated Complaint materially identical to the one now before the Court (DE 290).

¹ Specifically, Defendants argue that the Student Housing Consolidated Complaint removes Gabriel Navarro, the named plaintiff in *Navarro* – the only original student action – and improperly substitutes new plaintiffs.

Therefore, Pursuant to Fed. R. Civ. P. 41(a)(1), Plaintiffs voluntarily dismiss the Student Housing Consolidated Complaint (DE 290) without prejudice.

DATED this 3rd day of July, 2023.

Respectfully submitted,

/s/ Steve W. Berman

Steve W. Berman
Breanna Van Engelen
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, Washington 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
Email: steve@hbsslaw.com
Email: breannav@hbsslaw.com

Counsel for Plaintiffs Rachel Meredith, Benjamin Dempsey, Ashley Nelson, Mia Lauder, and Ivonne Arriola Mendieta

Tricia R. Herzfeld (#26014)
Anthony A. Orlandi (#33988)
HERZFELD SUETHOLZ GASTEL LENISKI AND WALL, PLLC
223 Rosa L. Parks Avenue, Suite 300
Nashville, TN 37203
Telephone: (615) 800-6225
tricia@hsglawgroup.com
tony@hsglawgroup.com

Liaison Counsel

Patrick J. Coughlin
Carmen A. Medici
Fatima Brizuela
SCOTT+SCOTT ATTORNEYS AT LAW LLP
600 West Broadway, Suite 3300
San Diego, CA 92101
Telephone: (619) 798-5325
Facsimile: (619) 233-0508
pcoughlin@scott-scott.com
cmedici@scott-scott.com
fbrizuela@scott-scott.com

Patrick McGahan

Michael Srodoski
G. Dustin Foster
SCOTT+SCOTT ATTORNEYS AT LAW LLP
156 South Main Street
P.O. Box 192
Colchester, CT 06145
Telephone: (860) 537-5537
Facsimile: (860) 537-4432
pmcgahan@scott-scott.com
msrodoski@scott-scott.com
gfoster@scott-scott.com

Stacey Slaughter
Thomas J. Undlin
Geoffrey H. Kozen
J. Austin Hurt
ROBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
Telephone: (612) 349-8500
Facsimile: (612) 339-4181
sslaughter@robinskaplan.com
tundlin@robinskaplan.com
gkozen@robinskaplan.com
ahurt@robinskaplan.com

Swathi Bojedla
Mandy Boltax
HAUSFELD LLP
888 16th Street, N.W., Suite 300
Washington, DC 20006
Telephone: (202) 540-7200
sbojedla@hausfeld.com
mboltax@hausfeld.com

Gary I. Smith, Jr.
HAUSFELD LLP
600 Montgomery Street, Suite 3200
San Francisco, CA 94111
Tel: (415) 633-1908
gsmith@hausfeld.com

Katie R. Beran
HAUSFELD LLP
325 Chestnut Street, Suite 900
Philadelphia, PA 19106

Telephone: (215) 985-3270
kberan@hausfeld.com

Interim Co-Lead Counsel

Christian P. Levis
Vincent Briganti
Peter Demato
Radhika Gupta
LOWEY DANNENBERG, P.C.
44 South Broadway, Suite 1100
White Plains, NY 10601
Telephone: (914) 997-0500
Facsimile: (914) 997-0035
vbriganti@lowey.com
clevis@lowey.com
pdemato@lowey.com
rgupta@lowey.com

Christopher M. Burke
Walter W. Noss
Yifan (Kate) Lv
KOREIN TILLERY P.C.
707 Broadway, Suite 1410
San Diego, CA 92101
Telephone: (619) 625-5621
Facsimile (314) 241-3525
cburke@koreintillery.com
wnoss@koreintillery.com
klv@koreintillery.com

Joseph R. Saveri
Steven N. Williams
Cadio Zirpoli
Kevin E. Rayhill
JOSEPH SAVERI LAW FIRM, LLP
601 California Street, Suite 1000
San Francisco, CA 94108
Telephone: (415) 500-6800
jsaveri@saverilawfirm.com
sWilliams@saverilawfirm.com
cZirpoli@saverilawfirm.com
kRayhill@saverilawfirm.com

Jennifer W. Sprengel
Daniel O. Herrera
Alexander Sweatman
**CAFFERTY CLOBES MERIWETHER &
SPRENGEL LLP**
135 S. LaSalle, Suite 3210
Chicago, IL 60603
Telephone: 312-782-4880
Facsimile: 312-782-4485
jsprengel@caffertyclobes.com
dherrera@caffertyclobes.com
asweatman@caffertyclobes.com

*Plaintiffs' Steering Committee Counsel for
Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

DATED this 3rd day of July, 2023.

/s/ Steve W. Berman
Steve W. Berman